

THE STATE BAR OF CALIFORNIA AGRIBUSINESS COMMITTEE MEETING

January 20, 2006

MINUTES

A regular meeting of the Agribusiness Committee of the Business Section of The State Bar of California was duly held at 10:00a.m. on Friday, January 20, 2006 at the offices of American AgCredit located at 200 Concourse Blvd., Santa Rosa, CA 95403.

The meeting was called to order at 10:00a.m. by Jerome Politzer, Co-Chair. Present were the following Members of the Committee: Joseph Martinez, Steve Tripp, Reid Everett, Richard Harriman, Bart Botta, Jerome Politzer, Tom Mouzes, and Randy Skidmore.

Also present were Richard de la Peña, Dave LaRiviere, Steve Silen, Sydney Kimball, April Pearson, and Sam Zanutto. Paul Hart participated by telephone.

The meeting was called to order with the first matter of business being approval of the Minutes from the previous meeting on June 24, 2005. The Minutes of that meeting were read by the Committee's oral historian and were unanimously approved. The State Bar Executive Committee Record Retention Policy for the Business Law Section (adopted April 1992) was noted. The Chair noted the need for the establishment of the Recording Secretary Sub-Committee for the 2004-2005 year. Upon motion duly made, seconded, and unanimously approved, Jerome Politzer was selected to serve as Recording Secretary for this meeting only with the Chair of the Recording Secretary Sub-Committee of the Agribusiness Committee for the current year to be selected at the next meeting.

The next item of business was general discussion of the proposed program calendar for the 2005-2006 year. After discussion, proper motion which was seconded and unanimously approved, the following program calendar for 2006 was adopted:

CALIFORNIA STATE BAR ASSOCIATION

AGRIBUSINESS COMMITTEE

MEETING SCHEDULE 2006

January 20, 2006	Santa Rosa, California – American AgCredit (Valuation Issues In Appraising Agricultural Collateral)
February 24, 2006	San Diego, California – AM-MEX International and Seltzer Caplan McMahon Vitek (Importation/Exportation of Agricultural Products via U.S. Customs Facilities at the Mexican Border)
March 24, 2006	Davis, California – University of California at Davis (Agricultural Economics Practice and Policy – Professor Steven Blank)
April 21,	Newport Beach, California – Rynn & Janowsky (PACA Discussion –

2006	Thomas Oliveri, Director, Trade Practices & Commodity Services at Western Growers)
May 19, 2006	Fresno, California – (Water Tour – Riley Walter/Gary Sawyers)
June 16, 2006	Los Angeles, California – Heller Ehrman (Agricultural Financing Under Article 9 of the California Uniform Commercial Code – Steven Weise)
July 21, 2006	Sacramento, California – California Farm Bureau (Agribusiness Program on Labor and Environmental Law)
October 6, 2006	Monterey, California – California State Bar Annual Convention (Intellectual Property and Agriculture – Dave LaRiviere)

The Committee was then joined by Karl Bucher, the head of American AgCredit Appraisal Services who delighted the meeting with his educational presentation on “Valuation Issues in Appraising Agricultural Collateral”. A general question and answer discussion then followed.

The next matter of business was to recognize and honor the service over the past two years of the Co-Chairs of the Agribusiness Committee. With great thanks and gratitude, Reid Everett (Co-Chair 2004-2005), Richard Harriman, (Co-Chair 2004-2005), Richard de la Peña (Co-Chair 2003-2004), and Darin Judd [present in spirit] (Co-Chair 2003-2004) were presented with a plaque and gavel from the Agribusiness Committee of the Business Law Section of The State Bar of California in expression of its appreciation for the years of service on behalf of the Bar.

The next matter of business was a general discussion regarding the Business Law Section’s Website and Email capabilities which was discussed over lunch. The Chair noted the need to establish a Webmaster’s Sub-Committee to oversee the additional communications and updates to the Agribusiness webpage through the State Bar Business Law Section and, upon motion properly made, seconded, and unanimously approved, the selection of the Chair of the Agribusiness Webmaster Sub-Committee for the 2005-2006 Committee year was continued until the next meeting.

The next matter of business was a general discussion concerning the membership in the Agribusiness Committee and the attendance by agribusiness lawyers of Committee meetings. The Committee Biography and Mission Statement were ratified in 2006.

There was consensus that the goal of increased membership and strength of the Committee was paramount for the Committee for the 2005-2006 year and it was suggested that email blasts be used to publicize upcoming topics that could appeal to other more academic based committees, such as the UCC presentation and its potential appeal to the Bankruptcy and Finance Committees of the Bar. Thus, the 2006 meeting schedule and these Minutes are to be sent to Members and agribusiness lawyers via the State Bar distribution systems as soon as possible. There was also discussion for the need for Committee Members to attend meetings but recognition of the difficulty in doing so

as the Committee Members often reside in non-urban locations making travel difficult. It was agreed that the Committee would investigate using the conference call capabilities provided by the State Bar to encourage conference call attendance. Emphasis was also given to the fact that the Agribusiness Committee is a working committee; members of which are responsible for participating in committee activities including committee meetings.

The next item to come before the Committee was general discussion of new legislation affecting agribusiness in California. The Chair requested that the Committee appoint a chairperson to its Legislative Sub-Committee and upon motion properly made, seconded, and unanimously approved, Tom Mouzes was elected the Chair of the Legislative Sub-Committee of the Agribusiness Committee for the 2004-2005 year, recognizing that February is the Bar cut-off date for suggested legislation and June 1, 2006 is the cut-off date for the submission of final text of the proposed legislation. Two specific items of legislation were approved for submission: (1) Producers Lien: clarify definition of a "producer" and (2) Producers Lien: increase statutory penalty for violation.

The next item of business to come before the Committee was a discussion of the Business Law Section's March 11 Executive Committee Retreat and the October 5 State Bar Meeting in Monterey. After review of the educational program presented by the Agribusiness Section at The State Bar Meeting in 2005, it was determined that the Agribusiness Committee would not propose an educational seminar for the 2006 State Bar Convention and would try and hold an offsite Committee meeting the weekend of The State Bar Convention in October. However, it was agreed that the Committee should attempt to secure CLE credit for each of its 2006 meetings.

The next item to come before the Committee was the request from the State Bar for a call for articles for the Business Law Section's Business Law News, noting the upcoming due dates for submission of March 31st for the first quarter issue of the Business Law News.

There was a general discussion resulting in the recommendation that, since the Agribusiness Committee is a multi-disciplinary industry oriented group, we suggest an entire issue of the Business Law News be devoted to Agribusiness and solicit articles from the other sections and committees with an Agribusiness focus such as Agribusiness IP, Agribusiness Estate Planning, Bankruptcy of a Farm, etc.

There being no further business, the meeting was adjourned at 2:00p.m.

Respectfully submitted,

Jerome Politzer
Co-Chair and Meeting Recorder